

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

WILLIAM G. MOODIE and JAMES W.
WATERMAN, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

REMINGTON ARMS COMPANY, LLC.,
SPORTING GOODS PROPERTIES, INC. and
E.I. DU PONT NEMOURS AND COMPANY,

Defendants.

No. 2:13-cv-00172 JCC

DEFENDANTS' UNOPPOSED MOTION
RE: OVER-LENGTH BRIEFS

NOTE ON MOTION CALENDAR:
March 15, 2013

DEFENDANTS' UNOPPOSED MOTION RE:
OVER-LENGTH BRIEFS (Cause No. 2:13-cv-
00172 JCC)
JDW6616.003

WILSON SMITH COCHRAN DICKERSON
A PROFESSIONAL SERVICE CORPORATION
901 FIFTH AVENUE, SUITE 1700
SEATTLE, WASHINGTON 98164-2050
TELEPHONE: (206) 623-4100 FAX: (206) 623-9273

I. RELIEF REQUESTED

On January 29, 2013, Plaintiffs commenced this putative class action against Defendants Remington Arms Company, LLC, Sporting Goods Properties, Inc. and E.I. du Pont Nemours and Company (“Defendants”) on behalf of:

All individuals in the States of Washington (“the Washington Class”) and North Carolina (“the North Carolina Class”) that own a Remington Model 700 Rifle originally manufactured and distributed with a Walker Fire Control Trigger Mechanism.

Dkt. No. 1 at ¶ 60. The Complaint asserts 9 causes of action.

Defendants intend to file a motion to dismiss the Complaint. Western District of Washington Local Rule 7(e)(3) imposes a 24-page limit on dispositive motions. Given the complex issues involved in this matter, including application of the laws of two states to two separate classes, Defendants request that the Court authorize them to file one over-length brief of 35 or fewer pages in support of their motion to dismiss. W.D. L.R. 7(f). Prior to filing this motion, counsel for the parties conferred. Plaintiffs do not oppose this motion with the understanding that they similarly be authorized to file one over-length responding brief of 35 or fewer pages in response to the motion to dismiss. That is acceptable to Defendants.

II. ARGUMENT

W.D. L.R. 7(e)(3) states that “[m]otions for summary judgment, motions to dismiss . . . and briefs in opposition shall not exceed twenty-four pages. Reply briefs shall not exceed twelve pages.” A party may seek leave with the Court to file an over-length brief on motion. *Id.* at 7(f).

After carefully examining the Complaint, Defendants believe their motion to dismiss cannot sufficiently address the multiple causes of action alleged under Washington, North

1 Carolina and federal law within the 24-page limitation of W.D. L.R. 7(e)(3). Plaintiffs
2 similarly believe that their responding brief may need more than 24-pages. Counsel for the
3 parties have conferred. Plaintiffs do not oppose this request that the Court authorize
4 defendants and plaintiffs to each file a brief that will not exceed 35 pages.

5 **III. CONCLUSION**

6 For the foregoing reasons, Defendants request that the Court enter an Order Granting
7 Motion Re: Over-length Briefs. A proposed Order is submitted for the Court's convenience.

8 Respectfully submitted this 15th day of March, 2013.

9
10 s/ John D. Wilson, Jr.

John D. Wilson, Jr.. WSBA 4828

Alfred E. Donohue, WSBA No. 32774

11 WILSON SMITH COCHRAN DICKERSON

12 1215 – 4th Ave., Suite 1700

Seattle, WA 98161

13 (206) 623-4100 telephone

(206) 623-9273 fax

14 wilson@wscd.com

15 Attorney for Defendants

16
17 Of Counsel:

18 Dale G. Wills, Illinois 6184565

Andrew A. Lothson, Illinois 6297061

19 SWANSON, MARTIN & BELL, LLP

330 North Wabash Avenue, Suite 3300

20 Chicago, IL 60611-3604

(312) 321-9100 phone

21 (312) 321- 0900 fax

dwills@smbtrials.com

22 alothson@smbtrials.com

CERTIFICATE OF SERVICE

The undersigned certifies that under penalty of perjury under the laws of the State of Washington that on the below date I caused to be served the foregoing document via CM/ECF on all counsel of record.

SIGNED this 15th day of March, 2013, at Seattle, Washington.

s/ John D. Wilson, Jr.

John D. Wilson, Jr.. WSBA 4828
WILSON SMITH COCHRAN DICKERSON
1215 – 4th Ave., Suite 1700
Seattle, WA 98161
(206) 623-4100 telephone
(206) 623-9273 fax
wilson@wscd.com